

*FILED
RICHARD W. HAGEL
CLERK OF COURT2020 FEB 20 AM 9:46
U.S. DISTRICT COURT
SOUTHERN DIST. OHIO
WESTERN DIVISION

Case No. 3:20-mj-093

Defendant(s)

MICHAEL J. NEWMAN

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 2/18/2020 in the county of Montgomery in the
Southern District of Ohio, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
18 USC s. 922(g)(1)	felon in possession of a firearm

This criminal complaint is based on these facts:

See Attached Affidavit of Mollie M. Hamby

 Continued on the attached sheet.


Complainant's signature

Mollie M. Hamby, TFO of the FBI

Printed name and title



Michael J. Newman, US Magistrate Judge

Judge's signature

Michael J. Newman, US Magistrate Judge

Printed name and title

Date: 2/20/20City and state: Dayton, Ohio

AFFIDAVIT

Mollie M. Hamby, a Task Force Officer for the Federal Bureau of Investigation (“FBI”) and City of Dayton Police Department officer (hereinafter referred to as the “affiant”) being duly sworn, deposes as follows:

INTRODUCTION

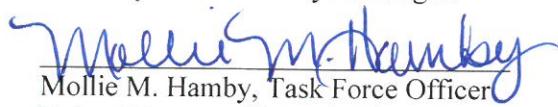
1. Your Affiant has been employed in law enforcement for the past seventeen years. I currently serve as an officer with the Dayton Police Department. In approximately October 2019, I became a Task Force Officer with the FBI Safe Streets Task Force. Since 2011, I have been dedicated to the investigation of narcotics, firearms and gang offenses. I have been involved in firearm-related arrests, executed search warrants that resulted in the seizure of narcotics and firearms, participated in undercover narcotics purchases, and supervised the activities of informants who have provided information and assistance resulting in narcotics purchases.
2. This affidavit is made in support of a criminal complaint against, and an arrest warrant for, Gabriel Michael Schramm (“SCHRAMM”) for a violation of 18 U.S.C. § 922(g)(1) (felon in possession of a firearm). This affidavit does not contain all information known to me regarding this alleged offense, but only those facts necessary to establish probable cause.

FACTS

1. On or about February 18, 2020, Detective Jeremy Stewart was working in uniform as a one unit crew, operating a marked cruiser. At approximately 1940 hours, he was parked at Marathon Gas Station, located at 1845 North Main Street, Dayton, Ohio 45405. He observed a silver Saturn Ion with Ohio license plate “HLZ5670” traveling east on Ridge Avenue from North Main Street. This vehicle turned south onto Oakley Place and the headlights of the vehicle turned off as the vehicle continued traveling down the road.
2. Detective Stewart drove down the alley and observed 2/18/2020 this vehicle backed into a parking spot at 15 Oakley Place. As soon as his marked cruiser came into view of this vehicle the vehicle accelerated at an excessive rate north towards Ridge Avenue. This vehicle travelled east on Ridge Avenue, passing in front of Detective Stewart’s marked cruiser. Detective Stewart observed this vehicle was occupied by two black males and the vehicle did not have a rear license plate light.
3. As the vehicle approached Riverside Drive Detective Stewart initiated a traffic stop. The vehicle slowed down several times and began pulling to the curb but did not stop. The vehicle turned south onto Riverside Drive and came to a stop as it approached Mary Avenue. The front passenger door opened and a black male, later identified as SCHRAMM, exited the vehicle and fled on foot through a vacant field. As Detective Stewart chased after SCHRAMM he noticed SCHRAMM was running awkwardly and holding his front waistband with both hands. Through Detective Stewart’s training and experience it was immediately apparent SCHRAMM possibly had a firearm.
4. During the foot pursuit Detective Stewart deployed his K9 partner, Weston, from his marked cruiser and gave the command to apprehend SCHRAMM. With the assistance of K9 Weston, Detective Stewart apprehended SCHRAMM. While K9 Weston had hold of SCHRAMM’S left arm and Detective Stewart had hold of his right arm, Detective Stewart gave verbal orders for SCHRAMM to place his hands behind his back and roll over on to his stomach. SCHRAMM said he had a loaded firearm in his pants. He was handcuffed and placed under arrest.

5. Detectives Erick Hamby and Brandon Harden assisted Detective Stewart with recovering the firearm from SCHRAMM'S person. A loaded black SAR ARMS 9mm handgun, bearing serial number T110216C03253, was recovered from inside SCHRAMM'S pants. The firearm was loaded with one round in the chamber and an additional 14 rounds in the magazine. SCHRAMM was also found to be in possession of approximately 20 grams of marijuana. These items were collected as evidence and tagged into the property room with a request to be sent to the Miami Valley Regional Crime Laboratory for testing. SCHRAMM was treated at Grandview Hospital. Once released he was transported to Montgomery County Jail.
6. I have reviewed conviction documents from the Hamilton County, Ohio, Clerk of Courts indicating that SCHRAMM has been previously convicted of the following felony offense, which was punishable by a term of imprisonment exceeding one year, namely:
 - a. On or about February 22, 2016, in the Hamilton County, Ohio Court of Common Pleas, case number C/15/CRA/19001 (Common Pleas Case Number B 1504020-A), of "Robbery".
7. I have reviewed conviction documents from the Montgomery County, Ohio, Clerk of Courts indicating that SCHRAMM has been previously convicted of the following felony offense, which was punishable by a term of imprisonment exceeding one year, namely:
 - a. On or about August 19, 2019, in the Montgomery County, Ohio Court of Common Pleas, case number 2019 CR 02046/2, of "Having Weapons While Under Disability".
8. Special Agent Christopher Reed of the Bureau of Alcohol, Tobacco, Firearms, and Explosives, who specializes in identifying firearms and their origin/place of manufacture, has advised that SAR ARMS firearms are not manufactured in Ohio; as such, the SAR ARMS firearm recovered in this case moved in interstate commerce.
9. Based on the above mentioned facts, I assert that there is probable cause to believe that SCHRAMM violated 18 U.S.C. § 922(g)(1) (felon in possession of a firearm).

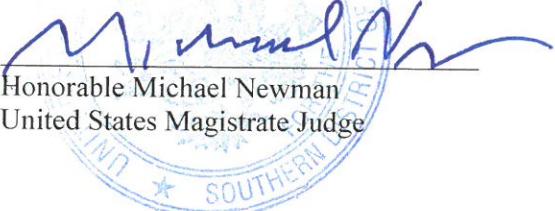
Further your Affiant sayeth naught.



Mollie M. Hamby

Mollie M. Hamby, Task Force Officer
Federal Bureau of Investigation

Subscribed and sworn to before me this 20th day of February, 2020.



Honorable Michael Newman
United States Magistrate Judge

